

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JEFFERY BARDEN,)	
)	
Plaintiff,)	
vs.)	No. 1:10-CV-98-SEB-JMS
)	
ANTHONY BARDEN,)	
)	
Defendant.)	

Entry and Order Directing Dismissal of Action

Because plaintiff Jeffery Barden is a “prisoner” as defined by 28 U.S.C. § 1915(h), his complaint has been screened as required by 28 U.S.C. § 1915A(b). *Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). This statute requires that any complaint submitted by a prisoner, or any claim within such a complaint, be dismissed if the complaint is frivolous or fails to state a claim upon which relief can be granted. *Id.* This standard is applicable despite the fact that the plaintiff has paid the filing fee. *See Rowe v. Shake*, 196 F.3d 778 (7th Cir. 1999).

The first step here is to determine if the court has jurisdiction over the plaintiff’s lawsuit against his brother alleging the misappropriation of funds the plaintiff expected to receive through the estate of their deceased mother and from a life insurance policy.

Federal district courts are courts of limited jurisdiction Congress has conferred subject matter jurisdiction on the district courts only in cases that raise a federal question and cases in which there is diversity of citizenship among the parties. *See* 28 U.S.C. §§ 1331-32.

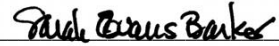
Smart v. Local 702 Intern. Broth. of Elec. Workers, 562 F.3d 798, 802 (7th Cir. 2009).

The complaint does not allege a federal question and alleges facts which would negate the presence of diversity jurisdiction (both parties are alleged to be citizens of Indiana). The complaint recites reliance on the ubiquitous 42 U.S.C. § 1983, but this proposition is preposterous.

Because the complaint shows on its face that the court lacks subject matter jurisdiction, the action must be dismissed pursuant to 28 U.S.C. § 1915A(b). *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002). Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 01/28/2010

A handwritten signature in black ink, appearing to read "Sarah Evans Barker", is written over a horizontal line.

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana